

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EMMETT M. BARKLEY,
Plaintiff

v.

CO II SHANK, et al.,

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CIVIL ACTION NO. JFM-07-1974

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MEMORANDUM

On July 25, 2007, Emmett M. Barkley, an inmate currently confined at the Roxbury Correctional Institution in Hagerstown, Maryland, filed the instant civil rights complaint, alleging that "during the week of October 18, 19, 20, of 2006 Sargent Pierce, COII Shank, and COII Dan Devaroe put microscopic worms in my food when I was on segregation at MCTC; they soaked these worms in steroid fluid. When it entered my body it attacked me interenalley. These worms are all over my body they wont come out and they wont die." (sic). Plaintiff has also filed a motion for leave to proceed in forma pauperis. Paper No. 2. Because the plaintiff appears indigent, the motion shall be granted pursuant to 28 U.S.C. § 1915(a).

Because the plaintiff has been granted leave to proceed in forma pauperis, this court may review the complaint before service of process and dismiss it *sua sponte* if it has no factual or legal basis. *See Neitzke v. Williams*, 490 U.S. 319 (1989); *see also Denton v. Hernandez*, 504 U.S. 25 (1992); *Cochran v. Morris*, 73 F.3d 1310 (4th Cir. 1996); *Nasim v. Warden*, 64 F.3d 951 (4th Cir. 1995); *see also* 28 U.S.C. S 1915(e). As explained by the Supreme Court in *Neitzke*: "Examples of [factually baseless lawsuits] are claims describing fantastic or delusional scenarios, with which federal district judges are all too familiar." *Neitzke v. Williams*, 490 U.S. at 328.

The plaintiff's complaint presents a fantastic and delusional scenario in which correctional officers have placed microscopic worms in plaintiff's food in an effort to harm him. This complaint clearly has no basis in fact. Thus, this complaint is dismissed in its entirety without service of process upon defendants.

For the aforementioned reason, the complaint shall be dismissed pursuant to 28 U.S.C. § 1915(e). A separate Order follows.

August 21, 2007
Date

/s/
J. Frederick Motz
United States District Judge